

APPEAL NO. 031330
FILED JULY 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 5, 2003. The hearing officer decided that the respondent's (claimant) compensable injury of _____, extends to and includes impingement syndrome of the left shoulder with full thickness tear of the supraspinatus tendon. The appellant (carrier) appealed and there is no response from the claimant in the appeal file.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury. The disputed issue is whether the compensable injury of _____, extends to and includes impingement syndrome of the left shoulder with full thickness tear of the supraspinatus tendon. Extent of injury is a factual determination for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). Although there are conflicting medical opinions regarding whether the compensable injury extends to and includes impingement syndrome of the left shoulder with a full thickness tear of the claimant's supraspinatus tendon, the opinion of the claimant's treating doctor supports the hearing officer's decision. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLEY-GREY, PRESIDENT
6907 CAPITAL OF TEXAS HWY, NORTH
AUSTIN, TEXAS 78755.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge